COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT

Call [ ] Observation [X] Search Warrant [ ] Arrest Warrant [ ]

LOCATION OF OCCURRENCE

125th & Western Avenue, Los Angeles

TYPE OF LOCATION

Residence [ ] Business [ ] Industrial [ ] Parking Lot [ ]

Street [ ] Backyard [ ] Freeway [ ] Rural [ ]

Other [X] **Apartment Complex Driveway**

SHOOTING CONDITIONS

DATE	TIME	DAY
3/31/94	**1855 Hours**	**Thursday**

LIGHTING	WEATHER
Street Lighting	**Clear**

DISTANCE

Thirty Feet

CONTRIBUTING FACTORS

Suspect attempted to shoot at deputies, however his weapon did not fire. The magazine was loaded with live rounds but there was not a round in the chamber.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CLASSIFICATION

ACCIDENTAL:	No
GUN TAKE-AWAY:	No
PERSON(S) ARMED:	Yes
PERSON(S) UNARMED:	No
STARTLE:	No
UNINTENTIONAL:	No
DEPUTY IN UNIFORM:	[ ] RAID JACKET: [X] PLAIN CLOTHES: [X]
VEST WORN:	Yes
FOOT PURSUIT:	No
VEHICLE PURSUIT:	No
MOVING VEHICLE:	No
VEHICLE STOP:	No
TYPE OF HOLSTER:	Leg Holster
GUN IN HOLSTER:	No
STRUGGLE INVOLVED:	No
ADDITIONAL FACTS AND INFORMATION:	

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
ROTHANS, Michael James		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy Sheriff	[redacted]	Narcotic Bureau/Detective Division

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'10"	185	[redacted]	31

DUTY STATUS	HIRE DATE
On Duty	05/23/84

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
No	Yes	Yes	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	Not Applicable

DESCRIPTION OF INJURIES

Not Applicable

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? Lennox Station

SUPERVISED BY: On Duty Watch Commander

WEAPON USED

TYPE	AUTHORIZED
Beretta Model 92F, 9mm, semi-automatic	Yes

AMMUNITION TYPE	AUTHORIZED
9mm, Department Issue	Yes

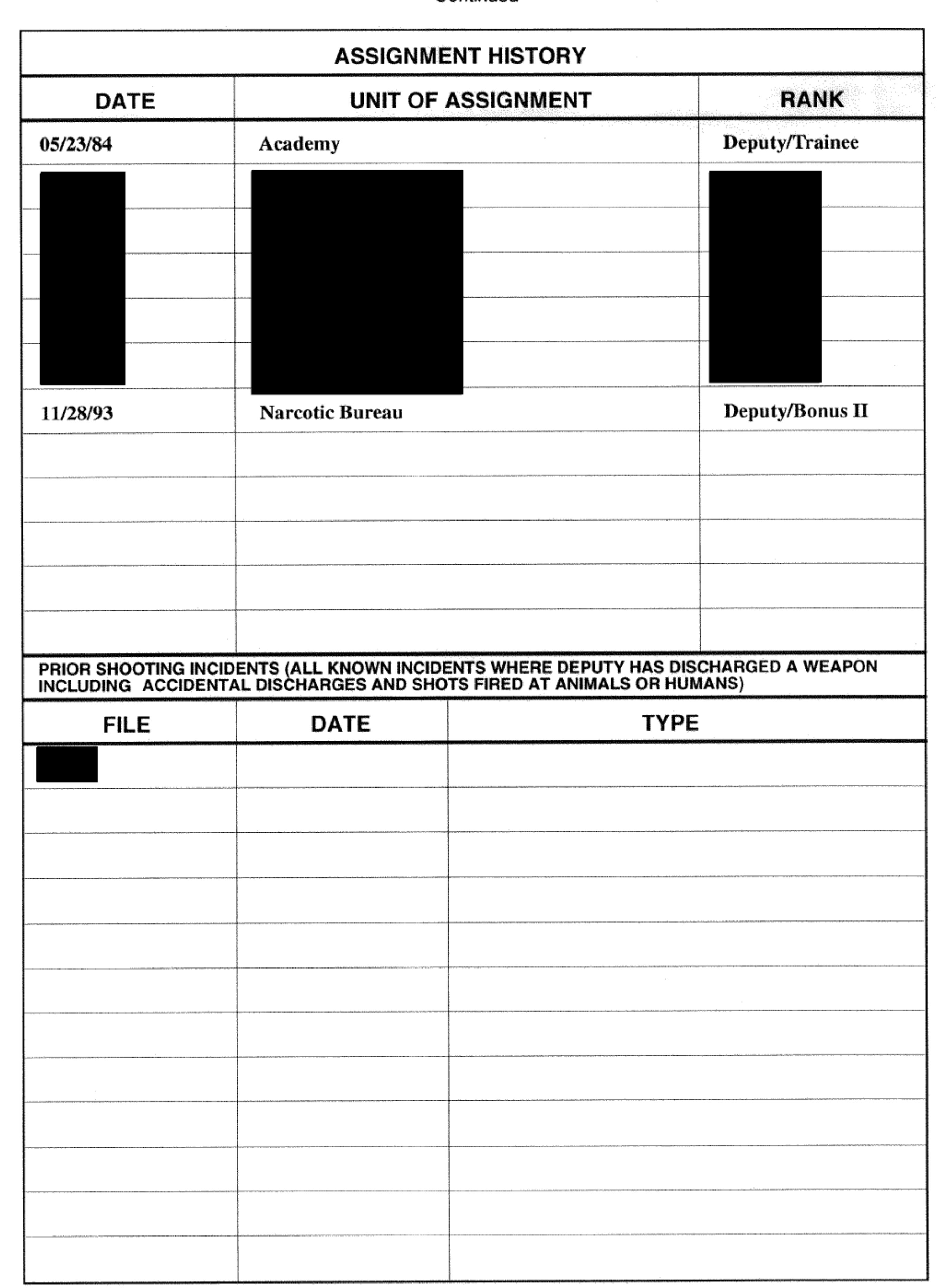
RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	Two	None

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	Not Applicable	Not Applicable

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
05/23/84	Academy	Deputy/Trainee
[redacted]	[redacted]	[redacted]
11/28/93	Narcotic Bureau	Deputy/Bonus II

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME					
NAPUE, Ronald Dean					

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Narcotic Bureau/Detective Division

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'10"	175	[redacted]	47

DUTY STATUS	HIRE DATE
On duty	07/12/71

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
No	Yes	Yes	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	Not Applicable

DESCRIPTION OF INJURIES

Not Applicable

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? Lennox Station

SUPERVISED BY: On Duty Watch Commander

WEAPON USED

TYPE	AUTHORIZED
Beretta Model 92F, 9mm, semiautomatic	Yes

AMMUNITION TYPE	AUTHORIZED
9mm, Department Issue	Yes

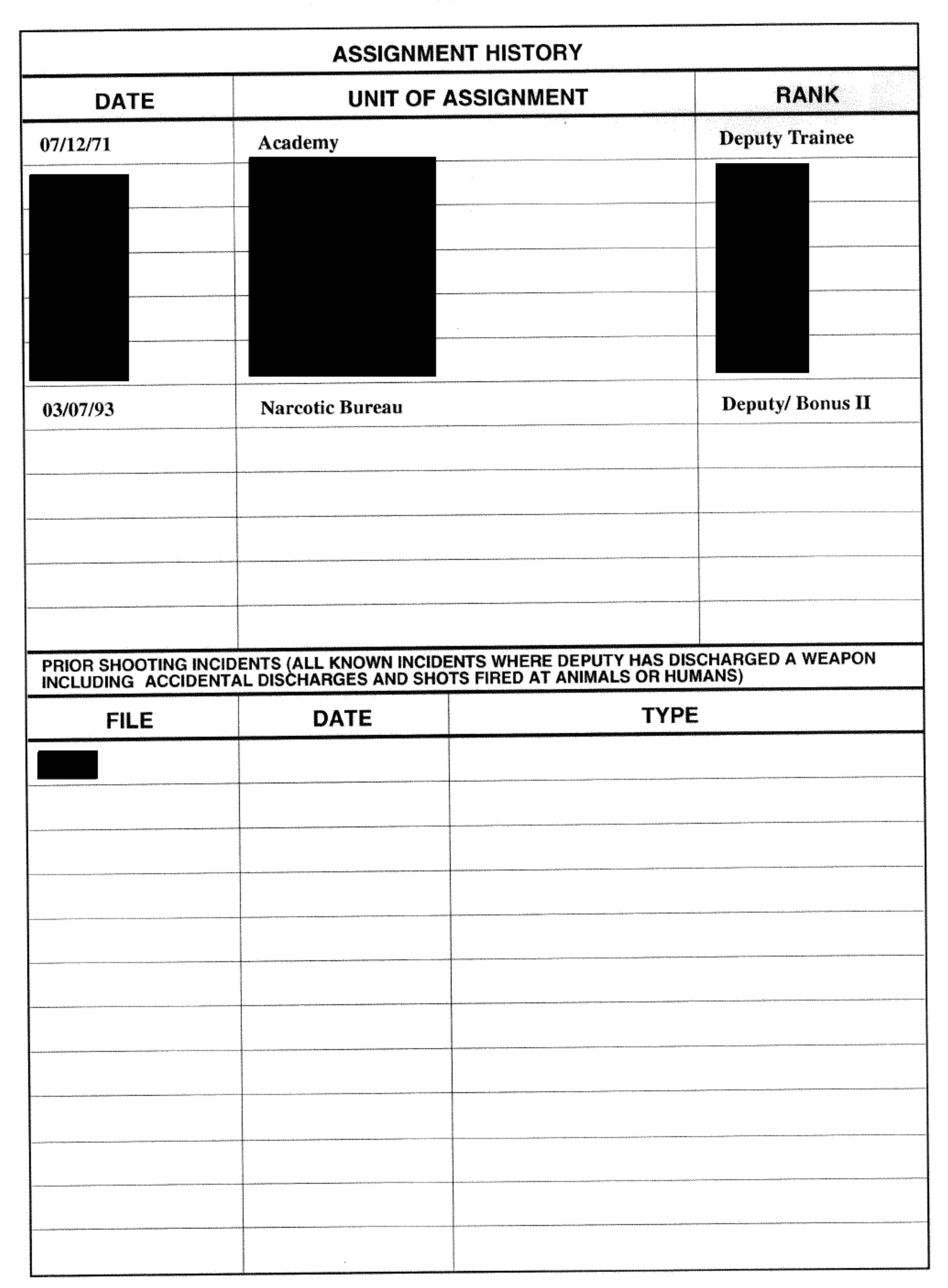
RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	One	None

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
Not Applicable	Not Applicable	Not Applicable

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
07/12/71	Academy	Deputy Trainee
[redacted]	[redacted]	[redacted]
03/07/93	Narcotic Bureau	Deputy/ Bonus II

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
[redacted]	[redacted]	[redacted]

ADDRESS [redacted]

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M	B	5'11"	140	[redacted]	[redacted]	No

INJURED	DESCRIPTION OF INJURIES
No	Not Applicable

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
No

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
Not Applicable	None

ARMED	TYPE OF WEAPON
Yes	.380 Semi-Automatic handgun

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
None	None

SUSPECT VEHICLE
Not Applicable

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
See Exhibit

SUMMARY OF INCIDENT

See Investigative Summary

SUMMARY OF INCIDENT

On March 31, 1994, at approximately 1900 hours, deputies from Headquarters Narcotics Bureau, supported by Lennox Station narcotics officers, a total of seven deputies, initiated an undercover purchase of narcotics at [redacted]

Deputy Acosta, who was the deputy in charge of the operation, stated that the plan was to have Deputy Hernandez drive to the driveway of the apartment where the occupants had previously sold drugs, and purchase drugs, (Exhibit A).

Prior to Deputy Hernandez going to the location, Deputies Acosta and Letizio (driver), drove past the apartment and observed several males standing in and near the driveway. There were also other males on the second floor landing that overlooked the driveway, (Exhibit B). Acosta then assigned the assisting deputies, two deputies each to the three vehicles that were being used.

Deputies Acosta and Letizio were parked east of Western Avenue on the north side of 125th Street. Their job was to be in a position to watch Deputy Hernandez while she made the purchase, and direct the other deputies after the purchase was completed.

Deputies Napue and Rodriguez (driver) were parked approximately 50 to 75 yards east of Acosta and Letizio's position on 125th Street. They had been directed to be the arrest team, and would move in and make the arrest of the suspect after the purchase was made by Hernandez.

Deputies Rothans (driver) and Lively had been positioned on the east side of Western Avenue, south of the apartment building. Following the purchase, they were to move in and assist where needed.

Prior to the purchase, Acosta had Deputies Rothans and Lively move approximately 75 feet north of 125th Street, still on the east side of Western Avenue. The move was necessary because Acosta's view of where the purchase was to be made was partially obstructed by a block wall on the east side of the driveway, (Exhibit A).

S/ nelson car - entering port

Moving Rothans and Lively gave them an unobstructed view of the purchase scene, however, it also moved them into view of the males who were standing in the driveway and on the second floor landing of the apartment.

Following the successful purchase of narcotics by Deputy Hernandez at the driveway to the underground parking area of the apartment, she left the location. Rothans and Lively saw the narcotics suspect begin walking down the driveway toward the underground parking. Acosta then directed Deputies Napue and Rodriguez to approach and make the arrest.

Rodriguez and Napue drove westbound on 125th Street and parked on the south side of 125th Street, just east of the driveway to the underground parking for the apartment, (Exhibit A, blue Toyota). Acosta and Letizio parked behind them.

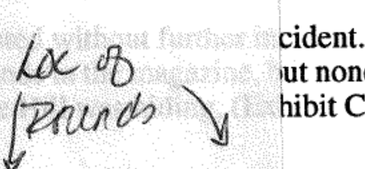
Simultaneously, Deputies Rothans and Lively backed their radio car to the south side of 125th Street, just west of the apartment driveway, (Exhibit A, white Chevy).

I.A.B. NOTE: There is a raised center divider on Western Avenue which obstructed the deputies from making a turning movement that would allow them to face the location when they approached.

Deputies Napue and Rothans exited their respective vehicles and proceeded down the driveway (Exhibit B), toward the underground parking garage. With Deputy Rothans in the lead, both deputies observed a lone male standing at the bottom of the driveway with his back turned to them. In response to Deputy Rothans' direction to turn and face them, Suspect [redacted] whirled around producing a .380 caliber semiautomatic pistol, pointed it at the deputies and pulled the trigger.

Both deputies immediately drew their weapons and fired simultaneously at Suspect [redacted]. Deputy Napue fired one round, while Deputy Rothans fired two rounds. As the deputies fired, Suspect [redacted] darted to his left into a garage bay, (Exhibit B, where the red vehicle is parked)), and took refuge inside a stucco covered alcove (Exhibit C).

Suspect [redacted] was ordered out and subsequently arre cident. A Davis Industries, Model P380, semiautomatic, with six rou ut none in the chamber, was recovered from the floor inside the alcove whe hibit C). The weapon is a reported stolen by Glendale Police Department.



One round fired by the deputies passed through the wall of the parking bay where Suspect [redacted] fled (Exhibit D), and struck a pole (Exhibit E) in the next parking bay. Another round fired by the deputies struck the metal support beam (Exhibit F) above the driveway. The third round ricocheted off of a window of a second floor apartment and then struck the metal window frame, (Exhibit G).

Three expended 9mm shell casings were recovered from the area where the deputies were standing when they fired at Suspect [redacted].

Witness [redacted] who was on the second floor landing, just west of the driveway at the time of the shooting, stated that he believes a small 1/4 inch cut on the outside edge of his left hand was caused by a bullet fragment originating from one of the three shots fired by the deputies. Mr. [redacted] refused medical treatment for the paper cut type wound to his hand.

Witness [redacted], along with the other witnesses, stated they saw the deputies just prior to the shots being fired. [redacted] said he thought the deputies were shooting at him and the people who were with him on the landing.

Witness [redacted] stated that he was at the bottom of the stairs, just outside the entry to the garage area, when he saw the deputies in the driveway. He said they shot at someone first, and then identified themselves as Deputy Sheriffs. [redacted] said the deputies fired two or three shots. He said he laid down in the first parking bay of the garage, the same bay where Suspect [redacted] hid, and stayed there until the deputies came to him. [redacted] said that one deputy was wearing a black jacket, cap, and jeans. He said the deputy could have been an "every day person on the streets." [redacted] said he didn't identify the deputy as a deputy when he saw him.

I.A.B. NOTE: Deputy Rothans was dressed in the manner described by Witness [redacted] (Exhibit H).

Witness [redacted] who was setting on the outside stairs leading to the second floor (Exhibit B),

stated that the group of individuals he was with had noticed the car that Deputies Rothans and Lively were in, when their car stopped on Western Avenue north of 125th Street. [redacted] said someone had said "watch this car," because it was backing up on the wrong side of the street. He said when the car stopped, two males exited, one wearing a pendlton, and the other one had on a black coat.

Mr. [redacted] said he heard two or three shots, he laid down, then he heard someone say, "Sheriff, police, don't nobody move." He said he could not identify the persons who fired the weapons, and does not know what they were shooting at.

Witness [redacted] stated he was sitting on a chair (Exhibit B) on the landing over the drive way to the underground parking, with three other people (Witnesses). [redacted] said they were there drinking beer, watching out for some people in a van who had tried to do a drive by shooting. He said the first thing he knew was somebody say, "Sheriff" and then he heard gun shots and he laid down. [redacted] said he saw the white car backing up on Western Avenue. He said the deputies were wearing green Sheriff's raid jackets [redacted] said he does not know who the deputies were shooting at, and does not know where the bullets struck.

Witness [redacted] stated that he was entering the security gate at the bottom of the stairs that lead to the first floor, when he heard someone say, "watch the white car." He said he could not see the car. He said he saw a male wearing jeans running (in the driveway) and then start shooting. [redacted] said he first thought that they were gang bangers until he saw their green Sheriff's raid jackets.

Mr. [redacted] said that Witness [redacted] was near the security gate when the shooting started. He said the shots were fired and then he heard someone yell "freeze."

Following the shooting, Suspect Nelson, who had sold narcotics to Deputy Hernandez, was taken into custody.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # 1 [redacted]

was interviewed on March 31, 1994 at 2256 hours by Sergeant Raymond Marlett of the Internal Affairs Bureau. The interview was tape recorded.

WITNESS # 2 [redacted] **MB/DOB** [redacted]

was interviewed on March 31, 1994 at 2320 hours by Sergeant Raymond Marlett of the Internal Affairs Bureau. The interview was tape recorded.

WITNESS # 3 [redacted]

was interviewed on March 31, 1994 at 2325 hours by Sergeant Raymond Marlett of the Internal Affairs Bureau. The interview was tape recorded.

WITNESS # 4 [redacted] **MB/19**

was interviewed on March 31, 1994 at 2330 hours by Sergeant Raymond Marlett of the Internal Affairs Bureau. The interview was tape recorded.

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # 5 [redacted]

was interviewed on March 31, 1994 at 2339 hours by Sergeant Raymond Marlett of the Internal Affairs Bureau. The interview was tape recorded.

WITNESS # 6 **Deputy Nicolas Acosta, #[redacted]**
Narcotics Bureau, Detective Division

was interviewed on March 31, 1994 at 1454 hours bySergeant Marlett of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [_X_] No [__]

WITNESS # ____

was interviewed on ________________ at ________ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]

WITNESS # ____

was interviewed on ________________ at ________ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.